

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ANTHONY MELIKHOV an
individual; MELMAR HOLDINGS,
LLC, an Illinois limited liability
company; and U4G GROUP, LLC, an
Illinois limited liability company,

Plaintiffs,

v.

Case No. 2:19-cv-248-JLB-MRM

LADISLAV DRAB, an individual; CE
GROUP, a foreign entity; ČESKÁ ENERGIE
A.S., a foreign entity, and ČESKÁ
PLYNÁRENSKÁ A.S., a foreign entity,

Defendants.

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ORDER

On March 4, 2021, this Court held a show-cause hearing to determine whether Judgment Creditors' motion to hold Defendant Ladislav Drab in contempt should be granted. (Docs. 99, 114, 153.) In advance of the hearing, the Court partially adopted a Report and Recommendation ("R&R") filed by the Magistrate Judge on January 19, 2021, recommending that Mr. Drab be held in civil contempt for violating this Court's omnibus postjudgment discovery order and certifying facts in support of contempt. (Docs. 148–49.) The R&R was partially adopted to the extent that the Court accepted the Magistrate Judge's certified facts but deferred ruling on the merits of Judgment Creditors' motion. (Doc. 149.)

A district judge may accept, reject, or modify the magistrate judge's R&R. 28 U.S.C. § 636(b)(1). The factual findings in the R&R need not be reviewed de novo in

the absence of an objection, but legal conclusions are always reviewed de novo. Id.; Cooper-Houston v. Southern Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993).

After having the benefit of a hearing where both parties presented argument in lieu of written objections, it is **ORDERED**:

1. The remainder of the R&R (Doc. 148) is **ADOPTED IN PART**, and Judgment Creditors' motion for contempt is **GRANTED** (Doc. 114).
2. Mr. Drab is found in **civil contempt of court** for failing to comply with this Court's omnibus postjudgment discovery order (Doc. 99).
3. Mr. Drab **may purge himself of the contempt** by complying with:
(1) the Motion to Compel Defendant/Judgment Debtor Ladislav Drab to Respond to Requests for Production in Aid of Execution and Interrogatories in Aid of Execution and for Sanctions (Doc. 79-1); and,
(2) the Consented to Motion to Require Defendant/Judgment Debtor Ladislav Drab to Complete Fla. R. Civ. P. Form 1.977 (Fact Information Sheet) (Doc. 81-1).
4. A fine of **\$250 per day** shall be assessed against Mr. Drab to ensure compliance.
5. Mr. Drab is also taxed with Judgment Creditors' **reasonable attorney's fees and costs**, to be determined and set forth by separate order, associated with the: (1) subject Motion for Contempt and Sanctions; (2) November 12, 2020 Notice of Noncompliance;

(3) November 16, 2020 show cause hearing; December 4, 2020 Notice of Noncompliance; and, (5) December 7, 2020 show cause hearing.

6. At the contempt hearing, Mr. Drab represented that he may be able to secure funds for a potential settlement of the underlying judgment. Assuming he could, the parties represented that they would attempt to reach an amicable resolution of this matter **no later than March 12, 2021**. If the parties can resolve this matter by that date, then Mr. Drab's contempt will be purged, and no fines will be collected. The parties may **jointly request** a reasonable extension of the deadline if negotiations require more time. Any **opposed** motion for an extension will be denied.
7. At present, the Court declines to issue a bench warrant for Mr. Drab's arrest. However, **the Court reserves the right to issue a bench warrant to ensure Mr. Drab's compliance with this Order**.
8. Finally, the Court notes that the parties were previously noticed that the Court **will be conducting a hearing via ZOOM video conference on March 19, 2021 at 10:00 a.m.** to ensure compliance with this Order (Doc. 156).

ORDERED in Fort Myers, Florida, on March 8, 2021.



JOHN L. BADALAMENTI
UNITED STATES DISTRICT JUDGE